

SENATE BILL 1496

By Akbari

AN ACT to amend Tennessee Code Annotated, Title 38;
Title 39 and Title 40, relative to use of force by law
enforcement.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 8, is amended by adding the following language as a new part:

38-8-401. As used in this part:

(1) "Law enforcement agency" means a lawfully established local public agency that is responsible for the prevention and detection of crime;

(2) "Law enforcement officer" means a sworn officer of a law enforcement agency; and

(3) "Use of force" means a physical act by a law enforcement officer that is intended to compel the subject of the force to comply with the officer.

38-8-402.

(a) A local law enforcement agency shall report to the district attorney general with jurisdiction over the law enforcement agency when the law enforcement agency makes a finding that a law enforcement officer employed by the agency has engaged in use of force that was excessive. The agency shall provide the district attorney general with all evidence relating to the officer's use of force, including any internal or administrative documentation, and identify any witnesses to the use of force.

(b) Upon receiving a report of excessive use of force by a law enforcement agency, the district attorney general shall conduct a thorough review of the evidence

provided and determine whether the law enforcement officer who used excessive force should be subject to criminal prosecution.

38-8-403.

(a) By February 1 of each year, each district attorney general shall conduct a review of at least ten percent (10%) of the allegations of excessive force that were submitted to a law enforcement agency within the district attorney general's jurisdiction in the previous year. The allegations to be reviewed must be selected randomly by the district attorney general. Each law enforcement agency shall cooperate with the review and assist the district attorney general as needed.

(b) This section does not prohibit a district attorney general from reviewing more than ten percent (10%) of the allegations of excessive force for any law enforcement agency within the district attorney general's jurisdiction.

38-8-404.

This part does not limit the rights of a police officer provided by §§ 38-8-301 - 38-8-310.

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.